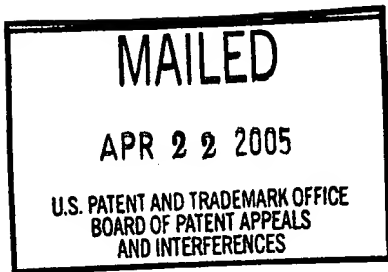


The opinion in support of the decision being entered today was not written
for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte JAY PAUL DRUMMOND, BOB A. CICHON,
MARK D. SMITH and DAVID WEIS



Appeal No. 2005-0626
Application No. 09/578,312

ON BRIEF

Before McQUADE, NASE, and BAHR, Administrative Patent Judges.
NASE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 to 45,
which are all of the claims pending in this application.

We REVERSE.

BACKGROUND

The appellants' invention relates to an automated banking machine system with multiple browsers (title). A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Grant et al. (Grant)	4,660,168	Apr. 21, 1987
Jheeta	5,619,558	Apr. 8, 1997
Sigona et al. (Sigona)	5,694,150	Dec. 2, 1997
LaStrange et al. (LaStrange)	5,784,058	July 21, 1998
Bertram et al. (Bertram)	6,049,812	Apr. 11, 2000
Murphy, Jr. et al. (Murphy)	6,049,820	Apr. 11, 2000
Semple et al. (Semple)	6,085,177	July 4, 2000

Leon, "TP-monitor vendors spin Web features", InfoWorld, July 1, 1996.

Claims 1 to 4, 11 to 13, 17 and 19 to 27 stand rejected under 35 U.S.C. § 103 as being unpatentable over Semple and Sigona.

Claims 5 and 28 to 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Semple and Sigona as applied to claims 1 and 22 above, and further in view of Jheeta.

Claims 6 to 10, 31 and 32 stand rejected under 35 U.S.C. § 103 as being unpatentable over Semple and Sigona as applied to claims 1 and 22 above, and further in view of Murphy and Bertram.

Claims 14 to 16 and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Semple and Sigona as applied to claim 12 and 13 above, and further in view of Bertram.

Claim 33 stands rejected under 35 U.S.C. § 103 as being unpatentable over Grant and Leon.

Claims 34 to 45 stand rejected under 35 U.S.C. § 103 as being unpatentable over Grant and Leon as applied to claim 33 above, and further in view of LaStrange.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejections, we make reference to the answer (mailed September 13, 2004) for the examiner's complete reasoning in support of the rejections, and to the brief (filed May 17, 2004) and reply brief (filed November 9, 2004) for the appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by the appellants and the examiner. Upon evaluation of all the evidence before us, it is our conclusion that the evidence adduced by the examiner is insufficient to establish a prima facie case of obviousness with respect to the claims under appeal. Accordingly, we will not sustain the examiner's rejection of claims 1 to 45 under 35 U.S.C. § 103. Our reasoning for this determination follows.

In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). A prima facie case of obviousness is established by presenting evidence that would have led one of ordinary skill in the art to combine the relevant teachings of the references to arrive at the claimed invention. See In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988) and In re Lintner, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

Independent claims 1, 12 and 22 read as follows:

1. An apparatus comprising:
an automated banking machine including a computer and at least one transaction function device in operative connection with the computer, and a

plurality of browsers operating in the computer, wherein the computer is operative to cause the transaction function device to operate responsive to instructions in at least one document processed by at least one of the browsers.

12. A method comprising:
- a) operating a plurality of browsers in a computer in operative connection with an automated banking machine;
 - b) operating a transaction function device in the banking machine responsive to at least one document processed by at least one of the browsers;
 - c) delivering outputs through at least one output device in connection with the automated banking machine responsive to documents processed by at least two of the browsers.

22. An apparatus comprising:
- an automated banking machine including a computer, a plurality of transaction function devices in operative connection with the computer, and a plurality of instances of at least one browser simultaneously operating in the computer, wherein the transaction function devices include a cash dispenser, wherein the computer is operative to cause at least one of the transaction function devices to operate responsive to instructions in at least one document processed by at least one instance of the at least one browser.

The prior art applied against claims 1, 12 and 22 is Semple and Sigona.

Semple's invention provides internet access through an automatic teller machine. A local processor interfaces with the machine's internal processor to facilitate communication to the World Wide Web. A communication subsystem, e.g., a modem or data communication card, provides for direct coupling to the Internet. Internal memory stores web browsing software and users can initiate web access through commands through a user interface, e.g., a keyboard. The ATM's screen 234 displays

"Web access" software such as Netscape™ or Microsoft Internet Explorer™ and provides normal ATM transactional information as well. Semple teaches (column 4, lines 47-62) that:

The ATM system 210 has a keyboard 228 that provides a normal user interface to both ATM transactions and the access to the Internet 214. By pressing the "Web Access" key 230, for example, the user at the system 210 can access the WWW 214. At that time, the system 210 loads web browser software out of memory 232 (or alternatively always has the web software running in the background), and the screen 234 takes on the familiar web surfing capability such as provided by Netscape™. The memory 232 can additionally house other software tools, such as modem interfacing software, fax software, and the like, all of which is commercially available. For example, in accord with the invention, a user can get a printout of the desired user locations, on printer 236, by pressing the print key 238. In this way, a user at the station 210 can acquire map or location information in hard-copy form.

Sigona's invention relates to the field of event-driven graphical user interface systems, and more particularly to a system for modifying a graphical user interface response to user generated events in order to allow multiple user inputs to act in concert. Sigona teaches (column 5, lines 53-62) that:

According to the present invention, a normally single user interface system, conforming to certain rules, is made into a multiple user interface by providing a plurality of input devices, a virtual display screen encompassing a number of display windows, having a plurality of real display ports, wherein each display window is associated with an area of said virtual display screen, an input from one of the input devices associated with an area of said virtual display screen being associated with the associated display window, thereby transferring control to that window.

In the rejection of claims 1, 12 and 22, before us in this appeal the examiner (answer, p. 4) determined that Semple discloses

an apparatus comprising: an automated banking machine including a computer and at least one transaction function device in operative connection with the computer, and operating in the computer wherein the computer is operative to cause the transaction function device to operate responsive to instructions in at least one document processed by at least one of the browsers (Abstract, col. 2, line 60-col. 3, lines 1-30, and lines 50-55, col. 4, lines 25-67). And wherein the transaction function device includes a cash dispenser (col. 4, lines 5-45, Fig. 1 shows cash dispensers on the ATM).

The examiner then ascertained that Semple discloses the claimed invention "except a plurality of browsers and the at least one document includes an HTML document."

Next, the examiner determined that Sigona discloses multiple browsers open to accept input and one HTML document able to process user input. Lastly, the examiner concluded that "[i]t would be obvious to one of ordinary skill in the art to modify the invention of Semple et al. based on the teachings of Sigona et al. The motivation to combine these references is to obtain the benefit of using multiple browser windows to process transactions."

We will not sustain the rejection of independent claims 1, 12 and 22 for the following reasons. First, Semple does not teach that the computer is operative to cause the cash dispenser (one transaction function device) to operate responsive to instructions in at least one document processed by a browser. We have especially

reviewed the portions of Semple cited by the examiner (i.e., Abstract, col. 2, line 60 to col. 3, line 30, col. 3, lines 50-55 and col. 4, lines 25-67) but find no support therein that a document displayed by the browser can cause the cash dispenser of the ATM to operate. At best, Semple teaches that the computer is operative to cause printer 236 (another transaction function device) to operate responsive to instructions processed by a browser (e.g., the print button in the browser's toolbar, the print command under the File menu). However, Semple does not teach that the print command can operate responsive to instructions in a document processed by a browser (i.e., a web page). Second, Sigona does not disclose multiple browsers open to accept input and one HTML document able to process user input. Sigona is directed to opening multiple applications. Sigona does not disclose opening multiple browsers. Lastly, it is our view that the combined teachings of Semple and Sigona would not have made it obvious at the time the invention was made to a person having ordinary skill in the art to have modified Semple so as to arrive at the claimed subject matter.

For the reasons set forth above, the decision of the examiner to reject claims 1, 12 and 22, and claims 2 to 11, 13 to 21 and 23 to 32 dependent thereon, under 35 U.S.C. § 103 is reversed.¹

¹ We have also reviewed the references to Jheeta, Murphy and Bertram additionally applied in the rejection of some of the dependent claims but find nothing therein which makes up for the deficiencies of Semple and Sigona discussed above.

Independent claims 33 and 35 read as follows:

33. An apparatus comprising:
an automated banking machine including a computer, a plurality of transaction function devices in operative connection with the computer, at least one display device in operative connection with the computer, and at least one instance of at least one browser operating in the computer, wherein the transaction function devices include a cash dispenser, wherein the computer is operative to cause at least one of the transaction function devices to operate responsive to instructions in at least one document processed by the at least one instance of the at least one browser, and wherein at least one document processed by the at least one instance of the at least one browser produces an output delivered through the at least one display device.
35. A method comprising:
a) simultaneously operating a plurality of instances of at least one browser in a computer in operative connection with an automated banking machine, wherein the automated banking machine includes a cash dispenser;
b) operating a transaction function device in the automated banking machine responsive to at least one document processed by at least one of the instances of the at least one browser;
c) delivering outputs through at least one output device in connection with the automated banking machine responsive to at least one document processed by at least one of the instances of the at least one browser.

The prior art applied against claim 33 is Grant and Leon.

Grant's invention relates to automated teller machines (ATMs) and more specifically to a method and apparatus for reducing ATM customer transaction time. The invention is directed to reduce customer transaction time at an ATM having various peripheral devices associated therewith. Each peripheral device associated

with the ATM (e.g., a card handler mechanism, a printer mechanism, one or more cash dispenser mechanisms, and a depository mechanism) includes a dedicated processor and memory for controlling the operation of the peripheral device connected thereto. The ATM also includes a peripheral control unit connected to the various subsystem controllers and to an ATM control unit for receiving generated transaction sequence event messages and in response thereto concurrently processing the messages to initiate simultaneous real-time operation of the various peripheral devices. For example, the concurrent processing of transaction sequence event messages allows completion of the card read activity, entry of a customer PIN and printing of the customer receipt header to take place simultaneously. This parallel activity of the peripheral devices reduces the elapsed time for a customer to complete an ATM transaction.

Leon's article teaches that NCR has rewritten the Top End client code, which runs on PCs and sits inside automated teller machines and cash registers, as a set of Java class libraries. Rather than establishing a client-to-server connection using Common Gateway Interface (CGI), the Java client downloads into the Web browser and establishes a direct link to the Top End back-end application. The Top End Java client code is designed to take advantage of the Internet and bypass weaknesses in standard Internet protocols.

In the rejection of claim 33, before us in this appeal the examiner (answer, p. 10) determined that Grant discloses

an automated banking machine including a computer, a plurality of transaction function devices in operative connection with the computer, at least one display device in operative connection with the computer, wherein the transaction function devices include a cash dispenser, wherein the computer is operative to cause at least one of the transaction function devices to operate responsive to instructions (Abstract, col. 1, line 10-col. 2, line 25).

The examiner then ascertained that Grant discloses the claimed invention

except at least one instance of at least one browser operating in the computer and in at least one document processed by the at least one instance of the at least one browser, and wherein at least one document processed by the at least one instance of the at least one browser produces an output delivered through the at least one display device.

Next, the examiner determined that Leon discloses "updated Top end client code that makes automated teller machines web-enabled so that browsers with their usual functionality operate the ATM machine and present a browser interface to the user."

Lastly, the examiner concluded that "[i]t would be obvious to one of ordinary skill in the art to modify the invention of Grant et al. based on the teachings of Leon. The motivation to combine these references is to obtain the benefit of web-enabled ATM machine display interface to speed ATM transactions."

We will not sustain the rejection of independent claim 33 for the following two reasons. First, neither Grant nor Leon teach an automated banking machine having a

computer which is operative to cause a transaction function device to operate responsive to instructions in at least one document processed by a browser. While Leon teaches an automated banking machine having a browser, Leon does not teach that a document processed by the browser (i.e., a web page) operates a transaction function device. Second, it is our view that the combined teachings of Grant and Leon would not have made it obvious at the time the invention was made to a person having ordinary skill in the art to have modified Grant so as to arrive at the claimed subject matter. In that regard, we see no motivation in Leon for a person having ordinary skill in the art to have modified Grant's ATM to cause a transaction function device of the ATM to operate responsive to instructions in at least one document processed by a browser.

We likewise will not sustain the rejection of independent claim 35 for the reasons set forth above with respect to claim 33.²

For the reasons set forth above, the decision of the examiner to reject claims 33 and 35, and claims 34 and 36 to 45 dependent thereon, under 35 U.S.C. § 103 is reversed.

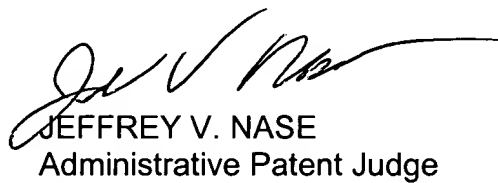
² We have also reviewed the reference to LaStrange additionally applied in the rejection of claims 34 to 45 but find nothing therein which makes up for the deficiencies of Grant and Leon discussed above.

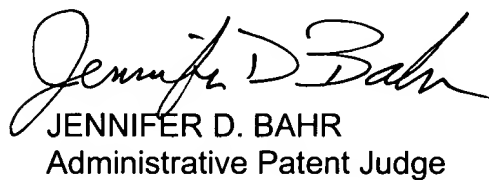
CONCLUSION

To summarize, the decision of the examiner to reject claims 1 to 45 under
35 U.S.C. § 103 is reversed.

REVERSED


JOHN P. McQUADE
Administrative Patent Judge


JEFFREY V. NASE
Administrative Patent Judge


JENNIFER D. BAHR
Administrative Patent Judge

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